THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.22661 of 2005

DATED: 20-10-2005

BETWEEN:

Martha Maruthi .. Petitioner

And

The Election Officer, Primary Agricultural

Coop.society, Jaipur Village and Mandal

Adilabad District and others ..Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.22661 of 2005

ORDER:

This petition is filed questioning the rejection of the nomination of the petitioner, as a member of the committee for the V Constituency of Jaipur Primary Agricultural Cooperative Society.

The contention of the learned counsel for the petitioner is that nomination of the petitioner was rejected on the ground that he is having three children after the cut of date, and when the petitioner was sought to be disqualified on the same ground, in respect of his membership to the Mandal Parishad Territorial Constituency (MPTC) he filed a O.P.No.798 of 2004 and is constituency as a member of the MPTC of Tekumatla, and so the election officer should have extended the same benefit to the petitioner and should be permitted him to contest the election.

Since acceptance or rejection of a nomination is an intermediary stage in an

election process and since this Court would not normally interfere with the election process after the election process is set in motion, and since petitioner has an effective alternative remedy, the remedy, if any, open to him is to file a petition before the tribunal questioning the rejection of his nomination, but this Court cannot under Article 226 of the Constitution of India, grant any relief to him, in view of the ratio laid down in **A.P.SARPANCH ASSOCIATION AND OTHERS v GOVERNMENT OF A.P. PANCHAYAT RAJ DEPARTMENT AND OTHERS, GUTHAKONDA KANAKA DURGA v STATE ELECTION COMISSIONER, GOVERNMENT OF ANDHRA PRADESH, HYDERABAD AND OTHERS** and the Apex Court in **C.SUBRAHMANYAM v K.RAMANJANEYULU AND OTHERS** and **SRI SANT SADGURU JANARDHAN SWAMY SDU SAMSTAN Vs. STATE OF MAHARASTRA.**

Accordingly, the writ petition is dismissed. Petitioner is at liberty to file an election petition questioning the rejection of his nomination before the appropriate Tribunal. No costs.

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20-10-2005

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